

**MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 12, 2005**

The meeting was held in Stow Town Building and began at 8:00 p.m. Board members present were Arthur Lowden, John Clayton, Donald Dwinells, Edmund Tarnuzzer and Charles Barney (associate).

Ian & Corrie MacLean – The public hearing was held in Stow Town Building and was opened at 8:00 p.m. on the application for Special Permit filed by **Ian and Corrie MacLean, 40 Walcott Street, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to add a second story to the existing dwelling at said address. The property contains 21,875 sq. ft. and is shown on Stow Property Map R-1 as Parcel 92.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells, Charles Barney (associate).

Mr. Clayton chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 25 and September 1, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The requirements for grant of special permit were recited. Attention was called to Section 9.2.6.3 of the Zoning Bylaw that requires a finding that the proposal is appropriate for the site, related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity, etc.

Mr. and Mrs. MacLean said they had purchased the property six weeks ago and moved in this day. In the meantime, some interior renovations were made. It is proposed to add a second story to include three bedrooms and two baths. They wish the new space to accommodate their growing family, especially as a new baby is expected at any day to join a sibling.

The existing height from grade to ridge was said to be 26 feet. The new height will be about 32 feet. The second story will overhang the front of the structure by two feet so as to measure 26 feet by 44 feet. Mr. MacLean said there were several two-story houses in the neighborhood, so he felt the remodeled house would fit in. The septic tank is at the rear of the house with pumping to the leach field at the front.

A site visit was planned for Thursday, September 15th. The hearing was closed at 8:11 p.m.

Theodore Swartz & Julie Glovin – The public hearing was held in Stow Town Building and was opened at 8:20 p.m. on the application for Special Permit filed by **Theodore Schwartz and Julie Glovin, 19 Birch Hill Road, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to alter the existing dwelling at said address. The property contains 49,614 sq. ft. and is shown on Stow Property Map R-14 as Parcel 6A-73.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells, Charles Barney (associate).

Mr. Clayton chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 25 and September 1, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The requirements for grant of special permit were recited. Attention was called to Section 9.2.6.3 of the Zoning Bylaw that requires a finding that the proposal is appropriate for the site, related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity, etc.

The applicants were present and advised that the alterations will mainly concern the atrium area of the structure. The dwelling currently has three bedrooms. The couple are expecting twins at the end of the year and wish to create a fourth bedroom and to extend the kitchen space. The house has multi levels that the alterations will tend to make more livable. The plan showed alteration of the two atrium roof levels to accommodate the new bedroom and the living area. The atrium is now empty space, has a leaking roof and needs attention

Mr. Schwartz felt the alterations will make the house more attractive and add to its value. All of the work will be contained within the structure and will conform to Section 9.2.6.3.

A site visit was planned for Thursday, September 15th. The hearing was closed at 8:33 p.m.

Pulte Homes of New England, LLC – The public hearing was held in Stow Town Building and was opened at 8:40 p.m. on the petition filed by **Pulte Homes of New England, LLC, 115 Flanders Road, Westborough, Mass.** for variance from Zoning Bylaws Section 5.2.1.1.8, "Water Resource Protection District", to exceed the maximum impervious requirement in connection with the proposed **Arbor Glen** project at **79 and 81 Hudson Road**. The property contains 2,788,506 sq. ft. and is shown on Stow Property Map R-10 as Parcels 55 and 56.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells, Charles Barney (associate).

Mr. Clayton chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 25 and September 1, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. Abutters in attendance were John Halpern of 143 Hudson Road and Joseph Stadolnik of 118 Hudson Road. The petitioner was represented by Paul Marchionda of Marchionda & Associates. He was accompanied by two gentlemen who were not identified.

Mr. Marchionda began his presentation by advising that the property is under agreement with Margaret O'Grady, sister of the former and late owner, Philip Noonan. It is proposed to develop an Active Adult Neighborhood for those 55 or older. He advised that Pulte had assisted in the drafting of the AAN zoning bylaw. It has become very involved in such developments and

was said to be the largest developer of this type of housing in the country. The proposal is before the Planning Board and the Conservation Commission.

The Planning Board has concern with the potential for disturbance of the existing drumlin that lies within the Water Resource Protection Overlay District. The plan was reconfigured to virtually eliminate any cutting into the drumlin in the southern portion of the site. To achieve that, the layout was shifted further away from the drumlin but further into the WRPD, which causes the impervious area within the WRPD to exceed the allowable 10% to approximately 13% of that portion of the site. Several housing units will be located within the WRPD.

Mr. Marchionda emphasized, however, that the entire parcel of 64 acres will be under the 10% threshold. He pointed there might be a different interpretation of the "lot" definition in this case. He was open to the Board's interpretation whether the reference is to the entire 64 acres or only to that portion within the WRPD.

Mr. Marchionda believed that the criteria for grant of variance could be met, one being topography (the drumlin). There will be no loss of recharge into the aquifer as all drainage will remain on site. Neighbors had expressed concerns about protection of the drumlin. Following the Board's decision, the petitioner will return to the Planning Board and the Conservation Commission to work out remaining issues and complete engineering.

Mr. Tarnuzzer questioned the reference to two separate lots. Mr. Marchionda responded that Lot 55 contains less than an acre. The development will be upon Lot 56 as shown on the plan.

Abutter John Halpern said that the plan appears to address the concerns of neighbors. He felt it was consistent with what had been discussed at previous hearings, and was in support. Joseph Stadolnik also voiced his support.

Mr. Clayton indicated the Board would be in contact with the Planning Board and the Conservation Commission for their comments and recommendations. The Planning Board was said to be in support of the petition for variance.

The hearing was closed at 9:00 p.m.

Site Visits – The Board planned to conduct site visits to Walcott Street and Birch Hill Road on Thursday, September 15th. It was not felt that a visit to the Hudson Road site would add to the presentation.

Adjournment – The meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board